

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Before the court is the defendant Anthony Antonio Swanson's motion for correction of record; and memorandum of points and authorities in support (#190). The government has responded (#191). Defendant did not file a reply.

21 Defendant asserts the court may at any time "correct a  
22 clerical error in a judgment, order or other part of the record, or  
23 correct an error in the record arising from oversight or omission."  
24 Fed. R. Crim. P. 36. While this is a correct statement of the law,  
25 defendant misapplies it here. Rule 36 is a narrow provision  
26 limited to correction of errors of no more than clerical  
27 significance. *United States v. Kaye*, 739 F.2d 488, 490 (9th Cir.  
28 1984).

1 Defendant is rearguing an issue raised in his initial 28  
2 U.S.C. § 2255 motion. This issue was addressed in the court's May  
3 14, 2014, order denying defendant's motion to vacate (#189).  
4 Defendant has not obtained authorization to file a successive  
5 § 2255 motion, leaving the court without jurisdiction to consider  
6 the motion. See 28 U.S.C. §§ 2244(b)(3)(A); 28 U.S.C. § 2255;  
7 *United States v. Allen*, 157 F.3d 661, 664 (9th Cir. 1998) (failure  
8 to request the requisite authorization to file a second or  
9 successive § 2255 motion deprives the district court of  
10 jurisdiction).

11 Accordingly, and based on the foregoing, defendant's motion  
12 for correction of record is **DENIED**.

13 IT IS SO ORDERED.

14 DATED: This 17th day of November, 2014.

Howard D. McElhaney  
UNITED STATES DISTRICT JUDGE